

1973 WL 26779 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 18, 1973

**\*1 In Re: Proposed Amendment to S-270. Representatives Marring, Moss, Florida, Chandler, and Williams.**

Honorable James H. Moss  
House of Representatives  
The State House  
Columbia, South Carolina

Dear Mr. Moss:

You have inquired as to the validity of the subject proposed amendment.

As you know, of course, there is no reasonably sure way of determining whether or not any death penalty will be approved by the United States Supreme Court. Some states, Florida and Oklahoma among them, have enacted laws since the Furman decision that provide the death penalty for murder only in specified circumstances, as does the subject proposed amendment. None of such laws has been through the test of USCA or United States Supreme Court review.

Outside the ambit of the Furman decision, it does not appear that provisions of the subject proposed amendment are contra to any provision of the Federal or State Constitution. It is suggested that the word 'expressed' in line 2 of Section 1(b) was probably intended to read 'express', and that the word 'who' in line 3 of Section 1(b) was intended to read 'whom'.

This Office expresses no opinion as to the advisability of the enactment of the provisions of the subject proposed amendment.  
Yours very truly,

Joseph C. Coleman  
Deputy Attorney General

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